

Calendar No. 424

106TH CONGRESS
1ST SESSION

S. 1198

[Report No. 106-225]

To amend chapter 8 of title 5, United States Code, to provide for a report by the General Accounting Office to Congress on agency regulatory actions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 9, 1999

Mr. SHELBY (for himself, Mr. BOND, Mr. LOTT, Mr. THOMPSON, Mrs. LINCOLN, Mr. VOINOVICH, Mr. KERREY, Mr. STEVENS, Mr. BREAUX, Mr. BENNETT, Ms. LANDRIEU, Mr. INHOFE, Mr. ROBB, Mr. ROTH, and Mr. HAGEL) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

DECEMBER 7, 1999

Reported under authority of the order of the Senate of November 19, 1999, by Mr. THOMPSON, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend chapter 8 of title 5, United States Code, to provide for a report by the General Accounting Office to Congress on agency regulatory actions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Congressional Ac-
3 countability for Regulatory Information Act of 1999”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) many Federal regulations have improved
7 the quality of life of the American public; however,
8 uncontrolled increases in regulatory costs and lost
9 opportunities for better regulation cannot be contin-
10 ued;

11 (2) the legislative branch has a responsibility to
12 ensure that laws passed by Congress are properly
13 implemented by the executive branch; and

14 (3) in order for the legislative branch to fulfill
15 its responsibilities to ensure that laws passed by
16 Congress are implemented in an efficient, effective,
17 and fair manner, the Congress requires accurate and
18 reliable information on which to base decisions.

19 **SEC. 3. REPORTS ON REGULATORY ACTIONS BY THE GEN-
20 ERAL ACCOUNTING OFFICE.**

21 (a) IN GENERAL.—Section 801(a)(2) of title 5,
22 United States Code, is amended by striking subparagraph
23 (B) and inserting the following:

24 “(B)(i) After an agency publishes a regulatory action,
25 a committee of either House of Congress with legislative
26 or oversight jurisdiction relating to the action may request

1 the Comptroller General to review the action under clause
2 (ii):

3 “(ii) Of requests made under clause (i), the Comp-
4 troller General shall provide a report on each regulatory
5 action selected under clause (iv) to the committee which
6 requested the report (and the committee of jurisdiction in
7 the other House of Congress) not later than 180 calendar
8 days after the committee request is received. The report
9 shall include an independent analysis of the regulatory ac-
10 tion by the Comptroller General using any relevant data
11 or analyses available to or generated by the General Ac-
12 counting Office.

13 “(iii) The independent analysis of the regulatory ac-
14 tion by the Comptroller General under clause (ii) shall
15 include—

16 “(I) an analysis by the Comptroller General of
17 the potential benefits of the regulatory action, in-
18 cluding any beneficial effects that cannot be quan-
19 tified in monetary terms and the identification of
20 those likely to receive the benefits;

21 “(II) an analysis by the Comptroller General of
22 the potential costs of the regulatory action, including
23 any adverse effects that cannot be quantified in
24 monetary terms and the identification of those likely
25 to bear the costs;

1 “(III) an analysis by the Comptroller General
2 of any alternative regulatory approaches, which have
3 been identified, that could achieve the same goal in
4 a more cost-effective manner or that could provide
5 greater net benefits, and, if applicable, a brief expla-
6 nation of any statutory reasons why such alter-
7 natives could not be adopted;

8 “(IV) an analysis of the extent to which the
9 regulatory action would affect State or local govern-
10 ments; and

11 “(V) a summary of how the results of the
12 Comptroller General’s analysis differ, if at all, from
13 the results of the analyses of the agency in promul-
14 gating the regulatory action.

15 “(iv) In consultation with the Majority and Minority
16 Leaders of the Senate and the Speaker and Minority
17 Leader of the House of Representatives, the Comptroller
18 General shall develop procedures for determining the pri-
19 ority and number of those requests for review under clause
20 (i) that will be reported under clause (ii).

21 “(C) Federal agencies shall cooperate with the Comp-
22 troller General by promptly providing the Comptroller
23 General with such records and information as the Comp-
24 troller General determines necessary to carry out this sec-
25 tion.”.

1 (b) DEFINITIONS.—Section 804 of title 5, United
2 States Code, is amended—

3 (1) by redesignating paragraphs (2) and (3) as
4 paragraphs (3) and (5), respectively;

5 (2) by inserting after paragraph (1) the fol-
6 lowing:

7 “(2) The term ‘independent analysis’ means a
8 substantive review of the agency’s underlying assess-
9 ments and assumptions used in developing the regu-
10 latory action and any additional analysis the Comp-
11 troller General determines to be necessary.”; and

12 (3) by inserting after paragraph (3) (as redesign-
13 ated by paragraph (1) of this subsection) the fol-
14 lowing:

15 “(4) The term ‘regulatory action’ means—

16 “(A) notice of proposed rule making;

17 “(B) final rule making, including interim
18 final rule making; or

19 “(C) a rule.”.

20 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated to the Gen-
22 eral Accounting Office to carry out chapter 8 of title 5,
23 United States Code, \$5,200,000 for each of fiscal years
24 2000 through 2003.

1 **SEC. 5. EFFECTIVE DATE.**

2 This Act and the amendments made by this Act shall
3 take effect 180 days after the date of enactment of this
4 Act.

5 **SECTION 1. SHORT TITLE.**

6 *This Act may be cited as the “Truth in Regulating*
7 *Act of 1999”.*

8 **SEC. 2. PURPOSES.**

9 *The purposes of this Act are to—*

10 (1) *increase the transparency of important regu-*
11 *latory decisions;*

12 (2) *promote effective congressional oversight to*
13 *ensure that agency rules fulfill statutory requirements*
14 *in an efficient, effective, and fair manner; and*

15 (3) *increase the accountability of Congress and*
16 *the agencies to the people they serve.*

17 **SEC. 3. DEFINITIONS.**

18 *In this Act, the term—*

19 (1) *“agency” has the meaning given such term*
20 *under section 551(1) of title 5, United States Code;*

21 (2) *“economically significant rule” means any*
22 *proposed or final rule, including an interim or direct*
23 *final rule, that may have an annual effect on the*
24 *economy of \$100,000,000 or more or adversely affect*
25 *in a material way the economy, a sector of the econ-*
26 *omy, productivity, competition, jobs, the environment,*

1 *public health or safety, or State, local, or tribal gov-*
 2 *ernments or communities; and*

3 (3) “*independent evaluation*” means a sub-
 4 *stantive evaluation of the agency’s data, methodology,*
 5 *and assumptions used in developing the economically*
 6 *significant rule, including—*

7 (A) *an explanation of how any strengths or*
 8 *weaknesses in those data, methodology, and as-*
 9 *sumptions support or detract from conclusions*
 10 *reached by the agency; and*

11 (B) *the implications, if any, of those*
 12 *strengths or weaknesses for the rulemaking.*

13 **SEC. 4. PILOT PROJECT FOR REPORT ON RULES.**

14 (a) *IN GENERAL.—*

15 (1) *REQUEST OF REVIEW.—When an agency*
 16 *publishes an economically significant rule, the Comp-*
 17 *troller General of the United States may review the*
 18 *rule at the request of a committee of jurisdiction of*
 19 *either House of Congress.*

20 (2) *REPORT.—The Comptroller General shall*
 21 *submit a report on each economically significant rule*
 22 *selected under paragraph (4) to the committees of ju-*
 23 *risdiction in each House of Congress not later than*
 24 *180 calendar days after a committee request is re-*
 25 *ceived. The report shall include an independent eval-*

1 *uation of the economically significant rule by the*
 2 *Comptroller General.*

3 (3) *INDEPENDENT EVALUATION.—The inde-*
 4 *pendent evaluation of the economically significant*
 5 *rule by the Comptroller General under paragraph (2)*
 6 *shall include—*

7 (A) *an evaluation of the agency’s analysis*
 8 *of the potential benefits of the rule, including*
 9 *any beneficial effects that cannot be quantified*
 10 *in monetary terms and the identification of the*
 11 *persons or entities likely to receive the benefits;*

12 (B) *an evaluation of the agency’s analysis*
 13 *of the potential costs of the rule, including any*
 14 *adverse effects that cannot be quantified in mon-*
 15 *etary terms and the identification of the persons*
 16 *or entities likely to bear the costs;*

17 (C) *an evaluation of the agency’s analysis*
 18 *of alternative approaches set forth in the notice*
 19 *of proposed rulemaking and in the rulemaking*
 20 *record, as well as of any regulatory impact anal-*
 21 *ysis, federalism assessment, or other analysis or*
 22 *assessment prepared by the agency or required*
 23 *for the economically significant rule; and*

1 (D) a summary of the results of the evalua-
 2 tion of the Comptroller General and the implica-
 3 tions of those results.

4 (4) *PROCEDURES FOR PRIORITIES OF RE-*
 5 *QUESTS.*—The Comptroller General shall have discre-
 6 tion to develop procedures for determining the pri-
 7 ority and number of requests for review under para-
 8 graph (1) for which a report will be submitted under
 9 paragraph (2).

10 (b) *AUTHORITY OF COMPTROLLER GENERAL.*—Each
 11 agency shall promptly cooperate with the Comptroller Gen-
 12 eral in carrying out this Act. Nothing in this Act is in-
 13 tended to expand or limit the authority of the General Ac-
 14 counting Office.

15 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated to the General
 17 Accounting Office to carry out this Act \$5,200,000 for each
 18 of fiscal years 2000 through 2002.

19 **SEC. 6. EFFECTIVE DATE AND DURATION OF PILOT**
 20 **PROJECT.**

21 (a) *EFFECTIVE DATE.*—This Act and the amendments
 22 made by this Act shall take effect 90 days after the date
 23 of enactment of this Act.

24 (b) *DURATION OF PILOT PROJECT.*—The pilot project
 25 under this Act shall continue for a period of 3 years, if

1 *in each fiscal year, or portion thereof included in that pe-*
 2 *riod, a specific annual appropriation not less than*
 3 *\$5,200,000 or the pro-rated equivalent thereof shall have*
 4 *been made for the pilot project.*

5 *(c) REPORT.—Before the conclusion of the 3-year pe-*
 6 *riod, the Comptroller General shall submit to Congress a*
 7 *report reviewing the effectiveness of the pilot project and*
 8 *recommending whether or not Congress should permanently*
 9 *authorize the pilot project.*

Amend the title so as to read: “A bill to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.”.

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A BILL

To amend chapter 8 of title 5, United States Code,
to provide for a report by the General Accounting
Office to Congress on agency regulatory actions,
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DECEMBER 7, 1999

Reported with an amendment and an amendment to the
title